

FEB 14 2025

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In the United States District Court  
For the Western District of Virginia

**Brian David Hill,  
Defendant**

**V.**

**United States of America,  
Plaintiff**

**Criminal Action no. 4:20-cr-00027**

**Other case no. 1:13-cr-435-1,  
M.D.N.C.**

DEFENDANT BRIAN DAVID HILL'S MOTION FOR CHALLENGING  
JURISDICTIONAL DEFECTS/ISSUES OF THE PROCEEDINGS AND CASE  
BEFORE THE COURT, RE: DKT. #11, #23, AND #27



**Brian David Hill – Ally of Qanon  
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c/o: [Rbhil67@comcast.net](mailto:Rbhil67@comcast.net); Roberta Hill**

*Pro Se Appellant*

– [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

COVER PAGE

Criminal Defendant Brian David Hill (“Brian D. Hill”, “Hill”, “Brian”, “Defendant”, “Probationer”) files this motion with this honorable court challenging the jurisdictional defects and issues involving this case, and requesting that the U.S. District Court have the U.S. Probation Office serve the summons in Document #11 as ordered by the Court on November 15, 2024 since they never served the Document #11 summons in the first place. The facts in support of this motion are as follows:

Evidence ATTACHMENT PAGES 1-5 are attached to this motion. The ATTACHMENT PAGES are at the footer of each page of attached documents.

DOCUMENT TITLE:	PAGES:	BRIEF DESCRIPTION
DECLARATION OF BRIAN DAVID HILL IN SUPPORT	4 PAGES – ATTACHMENT PAGES: 1-4	DECLARATION OF BRIAN DAVID HILL IN SUPPORT
DECLARATION OF ROBERTA HILL IN SUPPORT	1 PAGE – ATTACHMENT PAGES: 5-5	DECLARATION OF ROBERTA HILL IN SUPPORT

1. The Defendant Brian David Hill in this case is challenging the jurisdictional defects and issues of this case starting from Document #11, then onto Document #23 and then Document #27.
2. Brian David Hill, the Defendant in this case, was supposed to receive a summons for the Petition for Modification of the conditions of release

under Document #11. See United States v. Hill, 4:20-cr-00027, (W.D. Va. Nov 15, 2024) ECF No. 11. The document says on page 11 of Document #11: “THE COURT ORDERS”, “The issuance of a summons.”

3. According to the Affidavits of both Brian David Hill and Roberta Hill in support of this motion (See **4 PAGES – ATTACHMENT PAGES: 1-4**, and (See **1 PAGE – ATTACHMENT PAGES: 5-5**), Defendant was never served the “summons” as listed in Document #11. Brian’s mother Roberta Hill had to check PACER.GOV to get a copy of the Document #11, for Defendant to be able to even know what was going on.
4. This is also supported by the AUDIO CD DISC evidence with the conversation recording on the date of November 19, 2024. This conversation was recorded under one party consent. See **Audio Track #7** in filing: Hill v. Workman, 4:25-cv-00004, (W.D. Va. Feb 06, 2025) ECF No. 2-6: “Exhibit 5 — Document #2 , Attachment #6”, Page 4 of 4, Pageid#: 100.
5. Defendant never waived the service of the summons of Dkt. #11. Never formally and never informally.
6. On November 19, 2024, U.S. Probation Officer Haylea Workman and another federal probation officer which was present on November 19,



2024, only had Brian Hill fill out a financial affidavit, was informed verbally about getting a lawyer for the supervised release conditions modification, but was never served the summons as ordered by the court. It doesn't matter if Brian's mother can check PACER.GOV at his or her expense as the Defendant is still supposed to be served the paper summons before any proceedings can happen thereafter. Personal jurisdiction is not present in this pending case action since Document #11 unless the Defendant is properly served. The Defendant must be served before the proceedings should continue. It is the requirement of personal jurisdiction in a case that service of an initial pleading is required before personal jurisdiction is established over a party.

7. Legally speaking: If a party to a case has not been properly served, the court has no personal jurisdiction over that party and can't enter a judgment against that party. The case can be continued to another court date, and the other side can serve the party if it was not properly served for the first time. See **Burnham v. Superior Court, 495 U.S. 604 (1990)**, holding that: "**Personal jurisdiction is established when the defendant is served** while they are physically present in the jurisdiction, even if they do not have minimum contacts with the jurisdiction."

8. The Defendant also would like to assert another jurisdictional defect and issue involving this criminal case. The Defendant was convicted of a Class C felony under 18:2252A(a)(5)(B) and (b)(2). Normally under a Class C felony, the statute of supervised release being required after imprisonment said by the statute that a defendant must not serve more than three (3) years of supervised release. See 18 U.S.C. § 3583 (“(b) *AUTHORIZED TERMS OF SUPERVISED RELEASE.-Except as otherwise provided, the authorized terms of supervised release are-...(2) for a Class C or Class D felony, not more than three years*”). The Defendant has served more than twice of the term of what the statute prescribes saying “not more than three years”. This was a first-time charge of a crime at the time which is dubbed a first time offense back in 2013-2014 proceedings. No victims according to the PSI (**United States v. HILL, 1:13-cr-00435, (M.D.N.C. Sep 15, 2014) ECF No. 33: SEALED PRESENTENCE INVESTIGATION REPORT - FINAL** as to BRIAN DAVID HILL. (Whitten, Dana) (Entered: 09/16/2014)). No victims have to be notified since there are no named victims. The Defendant has never raped, never molested, never murdered, never shoplifted, never done illegal drugs, never was charged with any assault, and never committed a violent crime. The Defendant has autism

spectrum disorder and is a virgin. Arguably, possession is easy for people to get set up on, and criminal defendants have raised the issue that child porn can easily be planted on somebody whether by a computer virus or by another person. It is fact that the Defendant was ruled out of the diagnosis of “pedophilic disorder” and was ruled out from his probation file. See **United States v. HILL, 1:13-cr-00435, (M.D.N.C. Sep 02, 2014) ECF No. 23**: Psychiatric Report Received SEALED dated 8/5/2014 in case as to BRIAN DAVID HILL. (Daniel, J) (Entered: 08/21/2014). The Defendant is not even a pedophile as it was ruled out by Dr. Keith Hersh, a forensic evaluator. Defendant’s court appointed attorney also brought up this fact as well (Case 4:20-cr-00027-TTC, Document #26, Filed 12/17/24, Page 3 of 9, Pageid#: 254). It makes sense that the Defendant by law should never have served supervised release for more than three years since he never even groomed a minor but simply was in possession (See **ECF No. 29-5, pages 3-30**) which anybody can set up anybody with possession. Technical possession is not at the same dangerous level compared to actual production where a pedophile films a child. Those who produce it are more dangerous than somebody who gets set up with possession. Technical possession. If the Court doesn’t think this statute applies to Brian David Hill’s criminal



case, then the Court needs to explain what justification the Court ever had for warranting giving the Defendant ten years of supervised release instead of the statutory maximum of three (3) years of supervised release. Even an accused insurrectionist or seditious conspiracy criminal defendant Stewart Rhodes had received in judgment the statutory maximum of three years (36 months) despite being accused of conspiracy to commit an act of sedition against the United States Government. See **United States v. RHODES, III, 1:22-cr-00015, (D.D.C. Jun 05, 2023) ECF No. 624**. The law is the law. Even the U.S. Sentencing Commission has documentation over this statute of 18 U.S.C. § 3583(b)(2). Even if there is some type of justification loophole making the supervised release ten years in regard to Brian David Hill, is there anything in the statute allowing the supervised release to be more years than what the federal statute generally prescribes? A man who is a virgin and has never raped anybody and never molested anybody and has no victims. And then the term is extended to fourteen years over a medical emergency with proof he was never medically cleared as previously assumed. They never did a simple lab test after ordering it at the local hospital on September 21, 2018. It is clear as day that the Defendant has never done anything sexual to anybody in all of the years of his entire life. If the statute of the

maximum term of supervised release is supposed to be followed, then this is another jurisdictional defect in Defendant's criminal case.

9. Jurisdictional defects can be challenged in a court at any time.

Jurisdictional defects can be raised at any stage of litigation, even for the first time on appeal, because they affect the court's power to act. When a jurisdictional defect is identified, the typical remedy is dismissal of the case rather than transfer to another court. Federal courts are limited by statutory grants of jurisdiction, meaning that jurisdictional defects often stem from failing to meet these statutory requirements. See *Lacks v.*

*Lacks*, 41 N.Y.2d 71, 75 (N.Y. 1976) ("The implications of this distinction are serious. It is black-letter law that a judgment rendered without subject matter jurisdiction is void, and that the defect may be raised at any time and may not be waived (see 21 CJS, Courts, §§ 108-110, 116).") ; *Pratts v. Hurley*, 102 Ohio St. 3d 81, 83 (Ohio 2004) ("¶ 11} "Jurisdiction" means "the courts' statutory or constitutional power to adjudicate the case." (Emphasis omitted.)). Defendant would like the federal prosecutor to explain why the Defendant was given ten years of supervised release instead of the three-year statutory maximum when he has never raped anybody and has never molested anybody. The



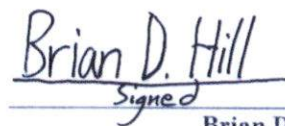
Defendant is a virgin with autism and yet is having to serve fourteen years of supervised release.

### CONCLUSION

1. The Defendant asks this Honorable Court to grant this motion challenging the jurisdictional defects and issues involving this case and requesting that the U.S. District Court have the U.S. Probation Office serve the summons in Document #11 as originally ordered by the Court on November 15, 2024 since they never served the Document #11 summons in the first place.
2. Furthermore, Defendant asks for a continuance on the hearing (Dkt. #27) dated February 18, 2025, until the summons is properly served on the Defendant by the U.S. Probation Office or by the U.S. Marshals Service or by any other authorized individual to serve the summons.
3. The Defendant would like to request any other and further relief as the court may deem to be just and proper.

Respectfully filed with the Court, this the 14th day of February, 2025.

Respectfully submitted,

  
Signed

Brian D. Hill

Signed

Brian D. Hill (Pro Se)  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112

Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter

I stand with Q Intelligence and Lin Wood – Drain the Swamp

I ask Q Intelligence and Lin Wood for Assistance (S.O.S.)

Make America Great Again

Family provided text of link: <https://rumble.com/v2ozhp6-the-deep-state-can-frame-you-the-documentary.html> -- JusticeForUSWGO.wordpress.com

Family provided text of link: USWGO.COM // JUSTICEFORUSWGO.NL

Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that “The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases”. Petitioner requests that copies be served with the U.S. Attorney office of Roanoke, VA via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail. Thank You!

### **CERTIFICATE OF SERVICE**

Defendant hereby certifies that on February 14, 2025, service was made by filing the original of the foregoing:

“DEFENDANT BRIAN DAVID HILL’S MOTION FOR CHALLENGING JURISDICTIONAL DEFECTS/ISSUES OF THE PROCEEDINGS AND CASE BEFORE THE COURT, RE: DKT. #11, #23, AND #27” and attachments

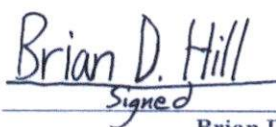
by personal delivery by the Defendant with the foregoing pleading to the Clerk of the Court in the U.S. District Court, for the Western District of Virginia, 210 Franklin Road S.W., Suite 540, Roanoke, VA 24011.

Then pursuant to 28 U.S.C. § 1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:



DREW O. INMAN  
PA Bar No. 328494  
Assistant United States Attorney  
P.O. Box 1709  
Roanoke, VA 24008-1709  
540-857-2250 (Office)  
540-857-2614 (Fax)  
drew.inman@usdoj.gov

This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

<p>Date of signing:</p> <p>February 14, 2025</p>	<p>Respectfully submitted,</p> <p> Signed Brian D. Hill</p> <p>Brian D. Hill (Pro Se) 310 Forest Street, Apartment 2 Martinsville, Virginia 24112 Phone #: (276) 790-3505</p> <p><b>U.S.W.G.O.</b></p> <p>I stand with Q Intelligence and Lin Wood – Drain the Swamp I ask Q Intelligence and Lin Wood for Assistance (S.O.S.) Make America Great Again</p>
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Family provided text of link: Friend's justice site: JusticeForUSWGO.wordpress.com

Family provided text of link: JusticeForUSWGO.NL; <https://rumble.com/v2ozhp6-the-deep-state-can-frame-you-the-documentary.html>





My family provided me with the image of the QR Code. No internet used. My family is allowed to obtain evidence and things for me to use in this legal pleading. They assist me in my legal work.

**THE DEEP STATE CAN FRAME YOU - THE DOCUMENTARY**

THE CIA AND FEDERAL AGENCIES THINK THEY CAN FRAME UP WHOEVER THEY WANT.



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In the United States District Court  
For the Western District of Virginia

<b>Brian David Hill,</b>	)	
<b>Defendant</b>	)	
	)	
<b>v.</b>	)	<b>Criminal Action no. 4:20-cr-00027</b>
	)	
<b>United States of America,</b>	)	<b>Other case no. 1:13-cr-435-1,</b>
<b>Plaintiff</b>	)	<b>M.D.N.C.</b>
	)	
	)	
	)	

DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF “DEFENDANT  
BRIAN DAVID HILL’S MOTION FOR CHALLENGING JURISDICTIONAL  
DEFECTS/ISSUES OF THE PROCEEDINGS AND CASE BEFORE THE  
COURT, RE: DKT. #11, #23, AND #27”

**U.S.W.G.O.**



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Virginia 24112  
(276) 790-3505  
c/o: [Rbhill67@comcast.net](mailto:Rbhill67@comcast.net); Roberta Hill**

*Pro Se Appellant*

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**Declaration of Brian David Hill - FEBRUARY 13, 2025**

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am Brian David Hill, the criminal defendant in the foregoing case.

2. On November 19, 2024, U.S. Probation Officer Haylea Workman and another federal probation officer showed up to do a routine home visit and walk through my apartment at 310 Forest Street, Apartment 2, Martinsville Virginia. Again, I had shown her proof that my desktop computer is not on the internet as usual on every check of my desktop computer by the Probation Officer, when she saw that my desktop computer was not on the internet. My desktop has no Wi-Fi chip. Just so you know. My desktop computer model DELL OPTIPLEX 9010 can be looked up by this Court to confirm that my desktop is not internet capable when it does not contain a Wi-Fi chip and there is no internet service in my Apartment. My desktop computer has been used for legal work for a long time and has been used for every legal pleading and legal letter (legal mail) ever mailed. Without a Wi-Fi chip, without a Wi-Fi card, without internet service at all in my apartment, this desktop computer cannot access the internet. That is pure and simple.

3. Haylea did inform me verbally of me getting a lawyer for the modification of my supervised release conditions, I think. Then Haylea Workman and the other federal probation officer, had me fill out a financial affidavit for the appointment



of counsel for my supervised release modification hearing, but both probation officers never gave me any papers of Document #11. I feel like I was never personally served with the summons as ordered by the court. I was told about getting a lawyer for I guess modification of my supervised release conditions, but my mother had to use a PACER.GOV account to find out about Document #11. That doesn't seem right that I was never served with this document.

4. I was never served personally with the summons in Document #11.

5. The summons in Document #11 was never left at my residence either. The Probation Office was ordered to serve the summons since November 15, 2024, according to the docket entry of my case and the document itself.

6. Before a hearing is even supposed to be scheduled, I was supposed to be served the summons in Document #11 before the court has personal jurisdiction over me in this case. The Court ordered it and yet I was never served the summons. I never waived service of the summons.

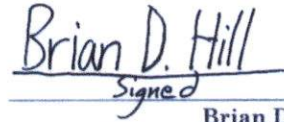
7. On November 19, 2024, I recorded the conversation under one party consent on that day. The conversation recording further supports my claims in this Declaration/Affidavit. See **Audio Track #7** in filing: Hill v. Workman, 4:25-cv-00004, (W.D. Va. Feb 06, 2025) ECF No. 2-6: "Exhibit 5 — Document #2 , Attachment #6", Page 4 of 4, Pageid#: 100.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 14, 2025.

Respectfully filed with the Court, this the 14th day of February, 2025.

Respectfully submitted,

  
*Signed*

Brian D. Hill

Signed

Brian D. Hill (Pro Se)

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Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter

**Friends and family operate:** [JusticeForUSWGO.wordpress.com](http://JusticeForUSWGO.wordpress.com)

**In the United States District Court  
for the Western District of Virginia  
Roanoke Division**

United States of America,	)	
Plaintiff	)	
	)	
v.	)	Case no. 4:20-cr-00027
	)	
Brian David Hill,	)	Other case no. 1:13-cr-435-1, M.D.N.C.
Defendant	)	
	)	
	)	

**Declaration of Roberta Hill – February 13, 2025**


I, Roberta Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

I am Roberta Hill. This is my testimony of what happened on a probation visitation on November 19th, 2024.

I am Brian Hill's mom. We were never served a summons for the Petition to Modify Conditions for Supervised Release, which should have been delivered on November 19th, 2024. Haylea and the other probation officer neglected to give us the petition that was ordered by the court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2025.

  
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